

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No: 4:07-CR-51-F2

UNITED STATES OF AMERICA,)
)
 vs.)
)
 MARTREY ANTWAIN NEWBY)
 a/k/a Trey)

MOTION TO CONTINUE
ARRAIGNMENT AND EXTEND
DEADLINES

Now comes Defendant, by and through undersigned counsel of record and prays the Court continue arraignment presently scheduled for the Court's December 10, 2007 term of court and extend deadlines for pretrial motions and responses set by Scheduling Order of October 29, 2007 and says unto the Court the following:

1. Defendant is charged in a five count Indictment with violations of 21 USC 841 and 846.
2. The undersigned was appointed to represent Defendant in light of Defendant's indigency.
3. Discovery in this case includes audio/video tape of 4 alleged drug transactions. The prosecutor has provided the undersigned with a copy of the audio/video tape but the undersigned and Defendant were only able to hear and view 2 of the 4 transactions. The prosecutor has informed the undersigned of his intent to send another [audible and viewable] copy of the 2 transactions which were not audible/viewable.

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4. Defendant was, until Friday, November 16, 2007 (which was the date on which the undersigned went to see Defendant to show him the video discovery), being held at the Wake County jail and was moved on that date to the Vance County jail.
5. Defendant and the undersigned need additional time in which to obtain and review discoverable material (to wit: the audio/video tapes) and confer.
6. The undersigned has contacted the prosecutor about this Motion and the prosecutor has no objection to the relief sought herein.

Respectfully submitted this 20th day of November 2007.

ROUNTREE, LOSEE & BALDWIN, L.L.P.
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/s/ Jason R. Harris

JASON R. HARRIS

N.C. State Bar. No. 27876

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Motion to Continue Arraignment and Extend Deadlines was filed electronically with the Court with notice of case activity to be generated and sent electronically by the Clerk of Court to:

Joshua B. Royster, AUSA
U.S. Department of Justice
310 New Bern Avenue, Suite 800
Raleigh, NC 27601

This the 20th day of November, 2007.

/s/ JASON R. HARRIS